ShawPittman LLP

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May 28, 2004

Via Courier

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

> **Re: EX PARTE SUBMISSION**
> **WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 GHz Bands**

Dear Ms. Dortch:

On May 27, 2004, John Hearne, Nicholas Mastrorilli, and Henry Zachs, each of NY3G Partnership ("NY3G"), formerly Grand MMDS Alliance New York F/P Partnership, Darryl DeLawder of DeLawder Communications, Inc., engineering consulting firm, and Bruce Jacobs and Tony Lin, each of Shaw Pittman LLP, counsel to NY3G, met with Sam Feder, Legal Advisor to Commissioner Martin, regarding the above-referenced proceeding.

NY3G explained its plan to provide wireless broadband service to the New York City area, its efforts to do so over the years, and its inability to resolve through negotiations interference issues with the grandfathered co-channel ITFS licensee. NY3G reiterated the proposals in its Comments and Reply Comments filed in this proceeding for resolving co-channel problems under any new rules. NY3G also urged the Commission, consistent with its 1983 order "freezing" incumbent ITFS operations on the E and F group channels, to establish clearly that such licensees or their lessees will have no new rights to additional protection under any new rules.

Attached are materials distributed at the meeting.

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,

Bruce D. Jacobs
Tony Lin
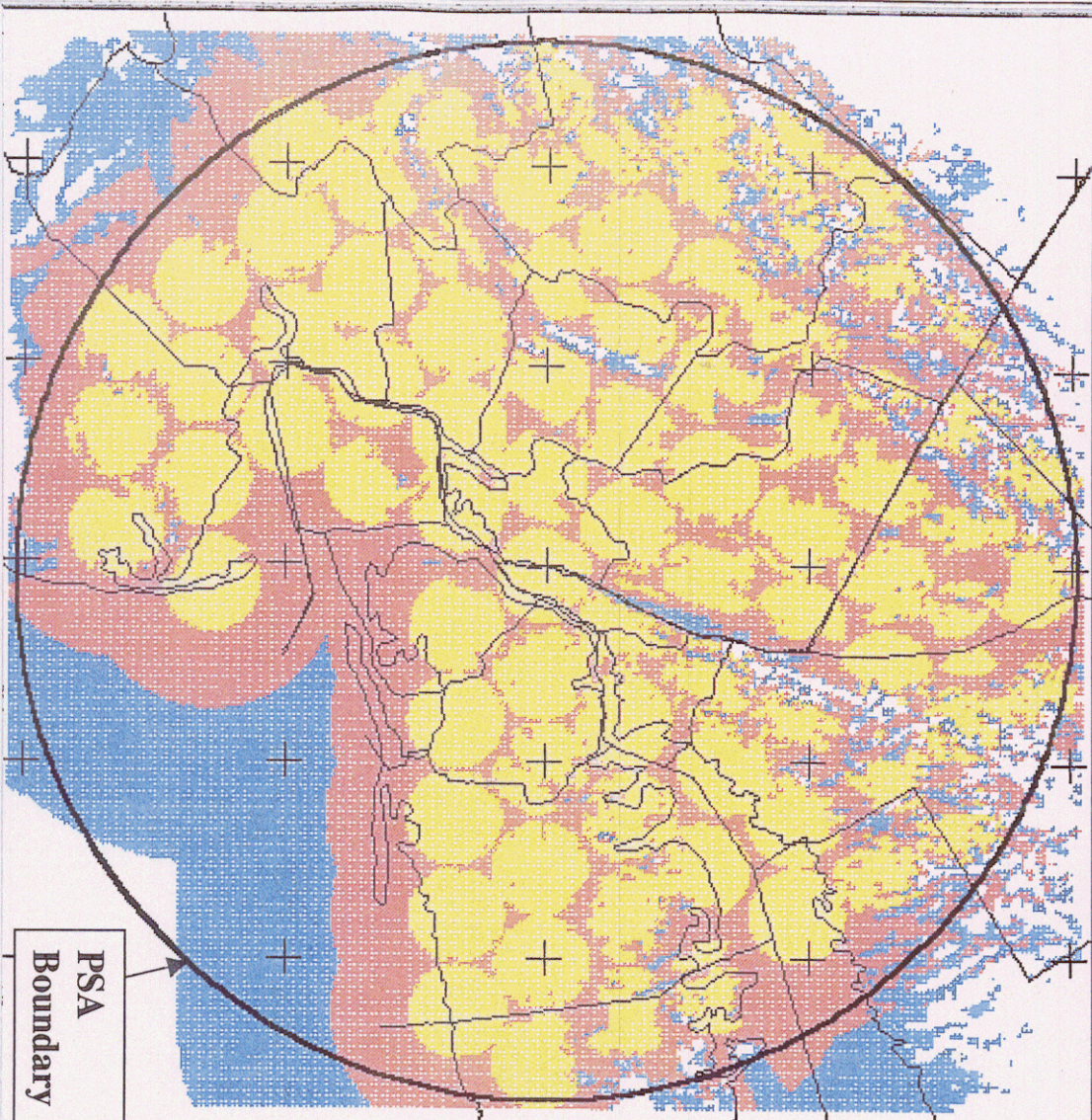*Counsel for NY3G Partnership*

Attachments

cc: *(without attachments)*
       Sam Feder, Esq.

39027-0000

Document #: 1405479 v.1

File   Edit   Draw   Map   Studies   RF Systems   Databases   Design   Utilities   Window   Help

1st: No server   2nd: No server

PSA
Boundary

MSITE(tm) Legend

MSITE™: NY Two Way Fig 1.map

Prop. model: Free Space + RMD
Time: 50.0%   Loc: 50.0%
Prediction Confidence Margin: 0.0dB
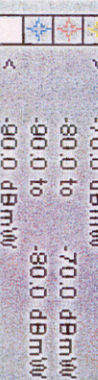Climate: Continental Temperate
Groundcover: USGS-EDX
Atmospheric Abs.: none
K Factor: 1.333
RX Antenna - Type OMNI
Height: 1.5 m AGL   Gain: -2.15 dBd

Received power at remote

> -70.0 dBmW
-80.0 to -70.0 dBmW
-90.0 to -80.0 dBmW
< -90.0 dBmW

Min. receiver threshold level: -106.3 dBmW

Notes

2000 CENSUS POPULATION RESULTS:
Total within PSA: 15,741 K
>-70 dBmW (yellow):   10,534 K (66.9%)
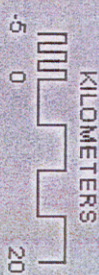>-80 dBmW (yellow, red):   15,243 K (96.8%)
>-90 dBmW (yellow, red, blue):   15,616 K (99.2%)

Yellow corresponds to 256-QAM service
Red corresponds to 64-QAM service
Blue corresponds to 16-QAM service

KILOMETERS
.5   0   20

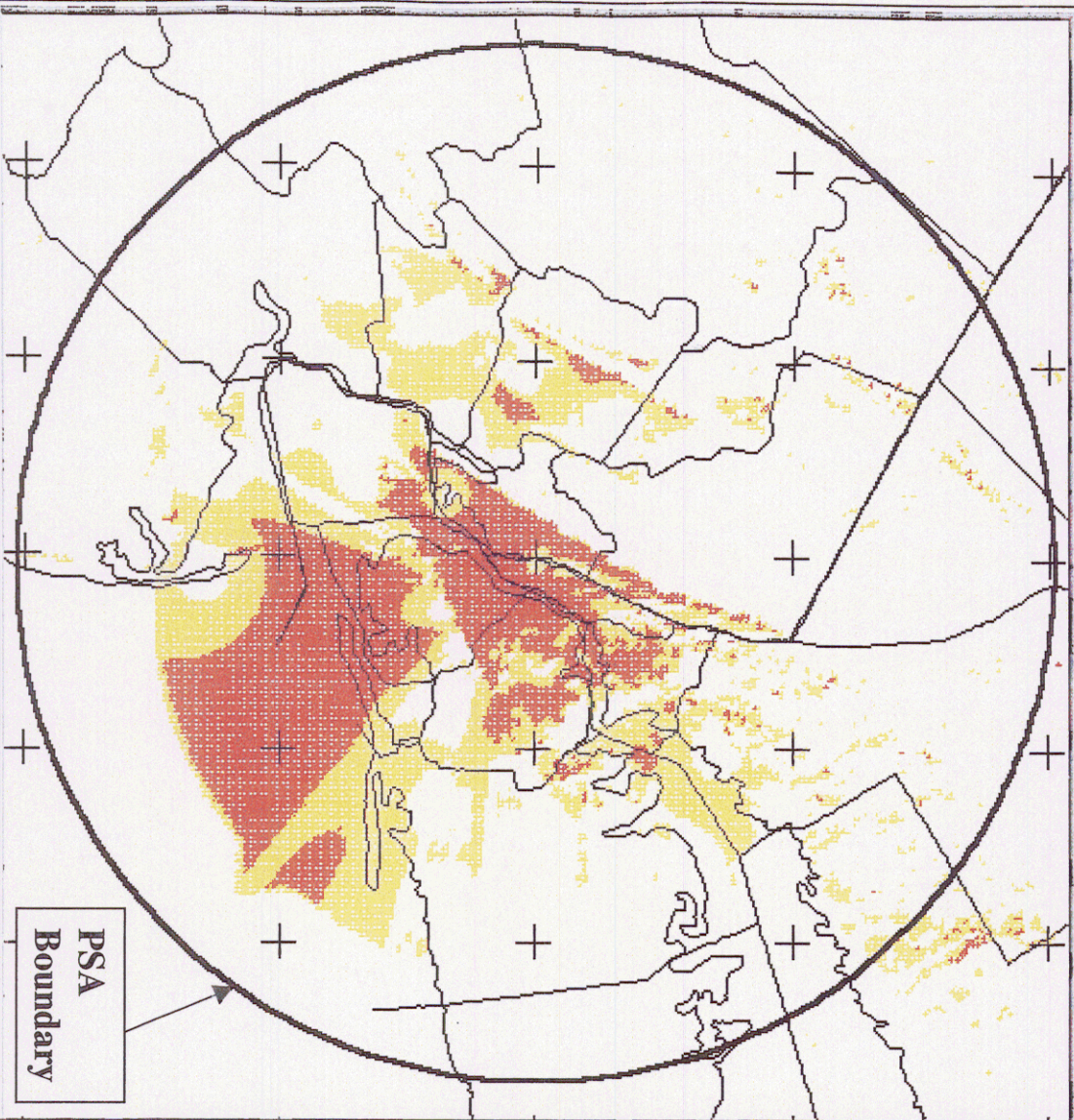Advanced Wireless Broadband Design
84-Site Coverage Analysis

FIGURE 1

May 26, 2004

Window title bar: EDX MSITE(tm) - [C:\MSITE\NY Two Way.map]

Menu bar: File Edit Draw Map Studies RF Systems Databases Design Utilities Window Help

Status bar: 1st: No server   2nd: No server

Map label:

PSA Boundary

Legend window (MSITE(tm) Legend):

MSITE™: NY Two Way.map

Prop. model: Free Space + RMD
Time: 50.0%   Loc.: 50.0%
Prediction Confidence Margin: 0.0dB
Climate: Continental Temperate
Groundcover: USGS-EDX
Atmospheric Abs.: none
K Factor: 1.333
RX Antenna - Type: OMNI
Height: 1.5 m AGL   Gain: -2.15 dBd
C/I ratio group 1 TXs to group 2 TXs

>	25.0 dB
	15.0 to 25.0 dB
<	15.0 dB

Min. receiver threshold level: -90.0 dBm/W

Notes

MMDS F-GROUP CO-CHANNEL INTERFERENCE

Yellow and red areas are predicted areas of co-channel
interference to the 84-site MMDS two-way design from
TVC's Grandfathered ITFS F-channel stations

INTERFERENCE POPULATION (Census 2000):
Total Within PSA: 15,741 K
> 64-QAM Interference (yellow, red):   8,523 K (54.1 %)
> 16-QAM Interference (red):   4,703 K (29.9 %)

KILOMETERS
-5   0   20

Advanced Wireless Broadband Design
Interference From TVC F-Group Lics

FIGURE 2   May 26, 2004